

REMARKS

The Office Action mailed on July 12, 2006 has been received and its contents carefully considered.

In this Amendment, Applicants have editorially amended the specification and claims 1-23. Claims 24-26 have been added for further protection. Claims 1, 11 and 21 are the independent claims. Claims 1-26 are now pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner has objected to the specification due to the informalities. In response thereto, the specification has been amended to correct the informalities noted by the Examiner, as well as other informalities noted during the review. Thus, it is submitted that the objection should be withdrawn.

Claims 1-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tojo* (US 2003/0086021 A1) in view of *Nakatani et al.* (US 6,118,924). Claim 1 has been amended. It is submitted that amended claim 1 is patentable over the cited reference for at least the following reasons.

Applicants' amended independent claim 1 recites a method for capturing video data into a computer system. The method comprises the following steps: (a) reading the video data; (b) detecting the video data to estimate scene changes and to determine a file size **for being split so that an identical scene will not be split into two different files**; (c) splitting the video data into a plurality of video files; and (d) storing the plurality of video files.

In contrast, *Tojo* discloses an image processing apparatus including a moving-picture input unit 201, a frame extraction unit 202, a scene-change discrimination unit 203, and a scene-change information storage unit 205. The moving-picture input unit 201 is for inputting a

moving picture captured from a video camera 110 or VTR 112. The frame extraction unit 202 successively extracts frames, which constitute the entered moving picture, in regular order. The scene-change discrimination unit 203 examines each frame to discriminate a scene change in a moving picture using an interframe-similarity calculation unit 204. The scene-change information storage unit 205 stores information relating to a scene change that has been discriminated by the scene-change discrimination unit 203. (Paragraph [0022]; and FIG. 2) Thus, *scene changes in an input moving picture* can be detected automatically, and the user, merely by designating a pattern image, can automatically extract a frame of a scene, which corresponds to the pattern image. (Paragraph [0049])

The Office Action alleges that the scene-change discrimination unit 203 implies the splitting of the data, and the scene change information storage unit 205 implies the storing the video into a plurality of video files. In response, Applicants respectfully disagree with this position. As is clear from paragraph [0039] and FIG. 5 of *Tojo*, the scene-change discrimination unit 203 determines whether or not there has been a scene change; and if yes, the information such as the ID of the entered moving picture, the ID of the scene change and the frame are stored as the scene starting frame and the similarity representing the degree of intensity of the scene change is stored in the scene-change information storage unit 205. That is, the scene-change discrimination unit 203 is simply used for discriminating a scene change in a moving picture instead of splitting of the data. Besides, the scene change information storage unit 205 simply stores the information, such as the ID of the entered moving picture, the ID of the scene change, the starting frame, and the intensity of the scene change, instead of storing the video data into a plurality of video files as the Office Action alleges.

Further, it should be noted that the image processing apparatus by *Tojo* is directed to extracting a desired scene change *from an input moving picture* in an efficient manner (see paragraph [0004]). This contrasts with the claimed invention, where the video data is detected to estimate scene changes and to determine a file size **for being split so that an identical scene will not be split into two different files**, as recited in claim 1.

Moreover, the secondary reference by *Nakatani et al.* fails to overcome the above deficiencies of *Tojo*. Accordingly, it is submitted that Applicants' independent claim 1, as well as the its dependent claims, are patentable over the cited references. Therefore, the rejection should be withdrawn.

Turning next to independent claims 11 and 21, it is respectfully submitted that they are patentable over the references for reasons along the lines discussed above with respect to claim 1. The claims depending from claims 11 and 21 recite additional limitations to further define the invention, so they are patentable along with claims 11 and 21.

Based on the above, it is submitted that this application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

It is noted that the application has been amended to include an additional three dependent claims in excess of 20. An additional claim fee of \$75 is therefore being submitted concurrently.

Respectfully submitted,

Allen Wood

Allen Wood
(Registration No. 28,134)
Customer number 23995
Rabin & Berdo, P.C.
Suite 500
1101 14th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 326-0222
Facsimile: (202) 408-0924